

RESOLUTION NO. 68,049-N.S.

DETERMINING THAT THE PREVIOUSLY CERTIFIED DOWNTOWN AREA PLAN ENVIRONMENTAL IMPACT REPORT MAY BE RELIED UPON FOR APPROVAL OF THE OPEN SPACE IN-LIEU FEE AND SETTING THE OPEN SPACE IN-LIEU FEE AT \$196 PER SQUARE FOOT OF REQUIRED ON-SITE OPEN SPACE THAT IS WAIVED OR REDUCED FROM A DEVELOPMENT PROJECT

WHEREAS, on March 20, 2012, the Council certified the environmental impact report prepared for the Downtown Area Plan (DAP), and adopted CEQA findings and a mitigation monitoring and reporting program; and

WHEREAS, DAP policies LU-2.1 and LU-2.4 call for the creation of an open space in-lieu fee and specify that such fee be used to fund improvements in the Downtown Streets and Open Space Improvement Plan (SOSIP); and

WHEREAS, the adopted C-DMU zoning district allows for the waiver or reduction of on-site open space through the granting of a Use Permit and the payment of an in-lieu fee, and specifies that open space in-lieu fees be used to fund improvements in the SOSIP.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that approval of the Open Space In-Lieu Fee may be based on the Downtown Area Plan Environmental Impact Report as certified on March 20, 2012, and that none of the conditions set forth in Public Resources Code section 21166, California Code of Regulations 15162, or any other applicable regulation require an additional environmental review.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby sets the Open Space In-Lieu fee at \$196 per square foot of required on-site open space that is waived or reduced from a development project.

The foregoing Resolution was adopted by the Berkeley City Council on June 13, 2017 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk